



Atty. Dkt. No. 023829-0287

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Porter et al.

Title: MODIFIED OILSEED  
MATERIAL

Appl. No.: 10/764,275

Filing Date: 01/23/2004

Examiner: To be determined

Art Unit: To be determined

<p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p>_____ Jacqui Banks (Printed Name)</p> <p>_____ (Signature)</p> <p>February 27, 2004 (Date of Deposit)</p>
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**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the filing date of the application.

#### **RELEVANCE OF EACH DOCUMENT**


All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

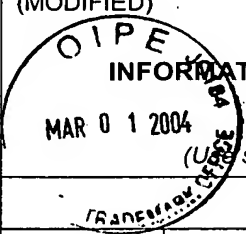
Respectfully submitted,

Date Feb. 26, 2004

By 

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Form PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 023829-0287		SERIAL NO. 10/764,275	
				APPLICANT Michael A. Porter			
				FILING DATE 1/23/04		GROUP ART UNIT To be determined	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	A1	6,056,903	05/02/2000	Greenwood et al.			
	A2	5,939,182	08/17/1999	Huang et al.			
	A3	5,760,182	06/02/1998	Adachi et al.			
	A4	5,707,522	01/13/1998	Maeda et al.			
	A5	5,658,714	08/19/1997	Westfall et al.			
	A6	5,554,292	09/10/1996	Maeda et al.			
	A7	5,503,746	04/02/1996	Gagnon			
<b>FOREIGN PATENT DOCUMENTS</b>							
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	A47	GB 1 540 376	02/14/1979	Great Britain			
	A48	1 580 051	11/26/1980	United Kingdom			
	A49	WO 98/12209	03/26/1998	PCT			
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	A50	International Search Report for PCT/US01/43304 dated December 19, 2002 (2 pages).					
	A51	Cheryan, "Mass Transfer Characteristics of Hollow Fiber Ultrafiltration of Soy Protein Systems," <u>J. Food Proc. Eng.</u> , 1, pp. 269-287 (1977).					
	A52	Gould et al., "A Practical Approach to Controlling the Fouling of Ultrafiltration Membranes: A Case Study of the Successful Development of a Commercial Soy Protein Application," available @ <a href="http://www.osmonics.com/products/Page823.htm">http://www.osmonics.com/products/Page823.htm</a> (available at least by Dec. 3, 1999).					
	A53	Lawhon et al., "Processing Whey-Type By-Product Liquids from Cottonseed Protein Isolation with Ultrafiltration and Reverse Osmosis Membranes," <u>J. Food Proc. Eng.</u> , 1, pp. 15-35 (1977).					
	A54	Lawhon et al., "Production of Protein Isolates and Concentrates from Oilseed Flour Extracts using Industrial Ultrafiltration and Reverse Osmosis Systems," <u>Journal of Food Science</u> , 42, pp. 389-394 (1977).					
	A55	Lawhon et al., "Optimization of Protein Isolate Production from Soy Flour Using Industrial Membrane Systems," <u>Journal of Food Science</u> , 43, pp. 361-369 (1978).					
	A56	Lawhon et al., "Alternate Processes for Use in Soy Protein Isolation by Industrial Ultrafiltration Membranes," <u>Journal of Food Science</u> , 44, pp. 213-219 (1979).					
	A57	Lawhon et al., "Soy Protein Ingredients Prepared by New Processes-Aqueous Processing and Industrial Membrane Isolation," <u>Journal of the American Oil Chemists' Society</u> , 58, pp. 377-383 (Mar. 1981).					
	A58	Lawhon et al., "Production of Oil and Protein Food Products from Raw Peanuts by Aqueous Extraction and Ultrafiltration," <u>Journal of Food Science</u> , 46, pp. 391-395 (1981).					
	A59	Lawhon et al., "Combining Aqueous Extraction and Membrane Isolation Techniques to Recover Protein and Oil from Soybeans," <u>Journal of Food Science</u> , 46, pp. 912-916 (1981).					
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			
<p>* <b>EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.</p>							

Form PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 023829-0287		SERIAL NO. 10/764,275	
<b>INFORMATION DISCLOSURE CITATION</b>  <i>(Use several sheets if necessary)</i>				APPLICANT Michael A. Porter			
				FILING DATE 1/23/04		GROUP ART UNIT To be determined	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	A8	5,476,590	12/19/1995	Brose et al.			
	A9	5,456,843	10/10/1995	Koenhen			
	A10	5,290,448	03/01/1994	Sluma et al.			
	A11	5,086,166	02/04/1992	Lawhon et al.			
	A12	5,039,420	08/13/1991	Klein et al.			
	A13	5,000,848	03/19/1991	Hodgins et al.			
	A14	4,943,374	07/24/1990	Heininger et al.			
	A15	4,943,373	07/24/1990	Onishi et al.			
	A16	4,906,379	03/06/1990	Hodgins et al.			
	A17	4,897,465	01/30/1990	Cordle et al.			
	A18	4,889,921	12/26/1989	Diosady et al.			
	A19	4,787,976	11/25/1986	Parham et al.			
	A20	4,697,004	09/29/1987	Puski et al.			
	A21	4,624,805	11/25/1986	Lawhon			
	A22	4,420,425	12/13/1983	Lawhon			
	A23	4,332,719	06/01/1982	Lawhon et al.			
	A24	4,324,805	04/13/1982	Olsen			
	A25	4,293,571	10/06/1981	Olofsson et al.			
	A26	4,256,652	03/17/1981	Kidani et al.			
	A27	4,252,652	02/24/1981	Elfert et al.			
	A28	4,163,010	07/31/1979	Garbutt			
	A29	4,147,745	04/03/1979	Sano et al.			
	A30	4,125,527	11/14/1978	Buhler et al.			
	A31	4,091,120	05/23/1978	Goodnight, Jr. et al.			
	A32	4,088,795	05/09/1978	Goodnight, Jr. et al.			
	A33	4,075,361	02/21/1978	Oberg			
	A34	4,072,670	02/07/1978	Goodnight, Jr. et al.			
	A35	4,069,103	01/17/1978	Müller			
	A36	4,028,468	06/07/1977	Hohner et al.			

*(Use several sheets if necessary)*

Michael A. Porter

1/23/04

To be determined

## U.S. PATENT DOCUMENTS

001.1580095

Form PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 023829-0287	SERIAL NO. 10/764,275		
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				<b>OTHER DOCUMENTS</b> (Including Author, Title, Date, Pertinent Pages, Etc.)			
	A60	Lawhon et al., "New Techniques in Membrane Processing of Oilseeds," <u>Food Technology</u> , <b>38</b> , pp. 97-106 (1984).					
	A61	Nichols et al., "Production of Soy Isolates by Ultrafiltration: Factors Affecting Yield and Composition," <u>J. Food Sci.</u> , <b>46</b> , pp. 367-372 (1981).					
	A62	Okubo et al., "Preparation of Low-Phytate Soybean Protein Isolate and Concentrate by Ultrafiltration," <u>Cereal Chemistry</u> , <b>52</b> , pp. 263-271 (1975).					
	A63	Omosaiye et al., "Removal of Oligosaccharides from Soybean Water Extracts by Ultrafiltration," <u>J. Food Sci.</u> , <b>43</b> , pp. 354-360 (1978).					
	A64	Omosaiye et al., "Ultrafiltration of Soybean Water Extracts: Processing Characteristics and Yields," <u>J. Food Sci.</u> , <b>44</b> , pp. 1027-1031 (1979).					
	A65	Omosaiye et al., "Low-Phytate, Full-Fat Soy Protein Product by Ultrafiltration of Aqueous Extracts of Whole Soybeans," <u>Cereal Chem.</u> , <b>56</b> , pp. 58-62 (1979).					
	A66	Osmonics, "Osmonics® Ultrafilic® M-Series Membrane Engineered to be 'Fouling-Free,'" available @ <a href="http://www.osmonics.com/scripts/PressTmpl.asp?PressRelID=307">http://www.osmonics.com/scripts/PressTmpl.asp?PressRelID=307</a> (dated Oct. 4, 1999).					
	A67	Osmonics, "UltraFilic Membranes," available @ <a href="http://www.osmonics.com/products/Page918.htm">http://www.osmonics.com/products/Page918.htm</a> (available at least by Nov. 15, 2000).					
	A68	Porter et al., "Membrane ultrafiltration," <u>Chem. Tech.</u> , pp. 56-63 (Jan. 1971).					
	A69	S. K. Sayed Razavi, J. L. Harris, F. Sherkat, "Fouling and cleaning of membranes in the ultrafiltration of the aqueous extract of soy flour," <u>Journal Of Membrane Science</u> , <b>114</b> (1996), pp. 93-104.					
	A70	Torok, "The Filtration Spectrum," available @ <a href="http://www.osmonics.com/products/Page710.htm">http://www.osmonics.com/products/Page710.htm</a> (Published in "Filtration News" on May 1, 1994).					
	A71	United Soybean Board, "Soy Protein Isolate" available @ <a href="http://www.talksoy.com/isolate.htm">http://www.talksoy.com/isolate.htm</a> (available at least by Sept. 6, 2000).					